

Magistrate Judge Mary Alice Theiler

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,
Plaintiff,
v.
GORDON DONALD GAZAWAY,
Defendant.

NO. MJ21-198

COMPLAINT for VIOLATION

18 U.S.C. § 2252(a)(4)(B)

BEFORE the Honorable Mary Alice Theiler, United States Magistrate Judge,
United States Courthouse, Seattle, Washington.

The undersigned complainant being duly sworn states:

COUNT 1

(Possession of Child Pornography)

21 Beginning on an unknown date, and continuing until January 27, 2021, in King
22 County, within the Western District of Washington, and elsewhere, the Defendant,
23 GORDON DONALD GAZAWAY, did knowingly possess matter that contained visual
24 depictions, the production of which involved the use of minors engaging in sexually
25 explicit conduct, and the visual depictions were of such conduct, that had been mailed
26 and shipped and transported in and affecting interstate and foreign commerce by any
27 means, including by computer, and which had been produced using materials that had
28 been mailed and shipped and transported in and affecting interstate and foreign

1 commerce by any means, including by computer, and the images of child pornography
2 involved include images of a prepubescent minor and a minor who had not attained 12
3 years of age.

4 All in violation of Title 18, United States Code, Section 2252(a)(4)(B) and (b)(2).

5 And the Complainant states that this Complaint is based on the following
6 information:

7 I, Scott P. Orlinski, being first duly sworn on oath, depose and say:

8 **INTRODUCTION**

9 1. I am a Special Agent (SA) with the U.S. Department of Homeland Security
10 (DHS), Immigration and Customs Enforcement (ICE), Homeland Security Investigations
11 (HSI), assigned to the Office of the Special Agent in Charge (SAC), Seattle, Washington.
12 I have been an agent with HSI since December 2019. HSI is responsible for enforcing
13 the customs and immigration laws and federal criminal statutes of the United States. As
14 part of my duties, I investigate criminal violations relating to child exploitation and child
15 pornography, including the production, distribution, receipt, and possession of child
16 pornography and material involving the sexual exploitation of minors in violation of 18
17 U.S.C. §§ 2251, 2252, 2252A, 2422 and 2426. I am a graduate of the Federal Law
18 Enforcement Training Center (FLETC), HSI Special Agent Training Program, and have
19 received further specialized training in investigating child pornography and child
20 exploitation crimes. I have also had the opportunity to observe and review examples of
21 child pornography (as defined in 18 U.S.C. § 2256(8)). I have participated in the
22 execution of previous search warrants that involved child exploitation and/or child
23 pornography offenses and the search and seizure of computers and other digital devices.

24 2. I am a member of the Seattle Internet Crimes Against Children (ICAC)
25 Task Force and work with other federal, state, and local law enforcement personnel in the
26 investigation and prosecution of crimes involving the sexual exploitation of children.

3. Before joining HSI, I worked for United States Citizenship and Immigration Services (USCIS) for approximately eleven years in various positions. During my time with USCIS I spent approximately five years conducting investigations.

4. The facts set forth in this Complaint are based on my own personal knowledge; knowledge obtained from other individuals during my participation in this investigation, including other law enforcement officers; interviews of cooperating witnesses; review of documents and records related to this investigation; communications with others who have personal knowledge of the events and circumstances described herein; and information gained through my training and experience.

5. Because this Complaint is submitted for the limited purpose of establishing probable cause, it does not set forth each and every fact that I or others have learned during the course of this investigation. I have set forth only the facts that I believe are necessary to establish probable cause to believe that GORDON DONALD GAZAWAY committed the offense charged, namely, Possession of Child Pornography in violation of 18 U.S.C. § 2252(a)(4)(B).

SUMMARY OF PROBABLE CAUSE

6. On or about, November 23, 2020 at 01:34:15 hours UTC, the Electronic Service Provider (ESP) Snapchat, reported to NCMEC via CyberTip #83062228 that user don_gordon1404 uploaded four jpeg images of suspected depictions of minors engaged in sexually explicit conduct from Internet Protocol (IP) address 73.254.65.16. Snapchat also reported user don_gordon1404 had an associated email of bigdon6699@gmail.com. The CyberTip was forwarded to the Seattle Police Department (SPD) for investigation.

7. SPD Detective Washington reviewed the four jpeg files that were uploaded and determined that they all contained depictions of minors engaged in sexually explicit conduct. SPD Detective Washington described one of the files, e193bd87-a24c-4a4e-acc2f60c0a84e369_CHAT_MEDIA_1606019143022_a060092f-d058-426f8fd5-01b057552078.jpeg, as follows:

1 There are three nude white children slightly reclined on red pillows with
 2 white trim and a tan blanket with darker brown design. The three children
 3 are seated next to one another. Female child A is seated next to male child
 4 B with female child C seated next to him.

5 Child A is Caucasian female child with dark red dyed hair tied back in a
 6 ponytail with a green scrunchie. The photo is a profile of Child A, however
 7 her visible facial features appear petite. She has small ears and small face
 8 frame. She is looking downwards towards the lap of child B and appears to
 9 be smiling. Child A appears to be between 10–12 years of age. Child A's
 10 breasts appear to be in the beginning stages of development. There appears
 11 to be some breast tissue under the areola. The areola appears to be slightly
 12 darker than Child A's nipples area. Child A has a little curvature to her
 13 waist and hip area. Child A has her legs crossed one over the other
 14 covering her vaginal area, however her pelvis and pubic area are exposed.
 15 Child A's pubic and pelvic area appear to be void of hair and hair follicles.

16 Child B is a Caucasian male child with short blonde hair. He has a small
 17 framed face with smooth skin and red cheeks. He is looking downwards
 18 towards his lap and appears to be smiling. Child B's arms are outstretched
 19 to his sides with each arm draped around the shoulders of Child A and C.
 20 From this view, I noticed that Child B did not have armpit hair or follicles.
 21 Child B appears to be between 8–10 years of age. Child B has narrow
 22 shoulders and lacks visible chest or abdominal muscles. Child B's legs are
 23 partially opened, and his penis and testicles can be seen. The male's pubic
 24 area and thigh area are hairless. Child B's penis and testicles are small in
 25 size and the area of his testicles appear to be hairless.

26 Child C is a Caucasian female child with shoulder length dark blonde hair
 27 with eyebrow length bangs. She is looking downward towards the lap of
 28 Child B and she appears to be smiling. Child C has one arm around the
 shoulder of Child B. Child C appears to be between the age of 8–10 years
 of age. Child C has no visible hair or hair follicles under her arms and no
 visible breast development. Child C's waist and hips appear to be the same
 width indicating the absence of hip development. Child C has her legs
 crossed one over the other, which covers her vaginal area. However, her
 pelvic and pubic area are exposed. Child A's pubic and pelvic area appear
 to be void of hair and hair follicles.

29 In the image, Child A is holding the shaft of Child B's penis between her
 30 thumb and index finger. Child B is seated between Child A and C with his
 31 arms draped around their shoulders, is looking down in the direction of his

penis and is smiling. Child B's penis appears to be erect. Child C is holding the middle Child B's shaft with her pointer finger and thumb. Her hand is just above Child A's hands on Child B's penis.

8. I reviewed the same four jpeg images. I believe that all four images contain depictions of minors engaged in sexually explicit conduct as defined in Title 18, United States Code, Section 2256(8) and agree with Detective Washington's description of the above jpeg image.

9. Detective Washington used a publicly available tool, MaxMind, to determine that Comcast was the registrant for IP address 73.254.65.16.

10. On or about December 18, 2020, SPD was granted a search warrant to Comcast to obtain data, including the account subscriber's name, email address, address, telephone number, billing records, and method of payment for the user of IP address 73.254.65.16 on November 14, 2020 at 02:39:05 hours UTC.

11. On or about December 18, 2020, SPD was granted a search warrant to Google seeking information on the email address of bigdon6699@gmail.com, including subscriber name, address, the phone number associated with the account, and email content for a specified time period.

12. On December 21, 2020, Comcast responded and identified the subscriber of the IP address on the date and time listed above as GORDAN GAZAWAY with a telephone number of (206) 650-6876 and an address of 3901 S Angeline St Apt D. Seattle, WA.

13. SPD utilized its own databases to identify GORDON DONALD GAZAWAY as the self-identified user of 206-650-6876 residing at 3901 S Angeline St. Apt D, Seattle, Washington, based on previous contacts with SPD on October 16, 2018, October 9, 2019, and October 10, 2020. SPD contacted GAZAWAY on these occasions to verify his address due to him being a registered sex offender. GORDON DONALD GAZAWAY has a prior federal conviction under 18 USC § 2252, Possession of Visual Depictions of Minors Engaged in Sexually Explicit Conduct.

1 14. On or about January 21, 2021, SPD received search warrant returns from
 2 Google. Google reported that the name of the user associated with the email address of
 3 bigdon6699@gmail.com is “don gordon” with an account recovery phone number of
 4 206-650-6876. It is notable that GAZAWAY’s middle name is Donald. This is the same
 5 phone number that GORDON DONALD GAZAWAY previously used during prior
 6 encounters with SPD. Google also provided the contents of several emails.

7 15. In an email exchange that took place on or about November 18, 2020,
 8 someone asked for a photograph of the face of the user bigdon6699@gmail.com.
 9 Bigdon6699@gmail.com responded that he attached photographs, including one that he
 10 had just taken. One of the photographs depicts a white male who appears to be in late
 11 fifties to mid-sixties wearing glasses and a black shirt.

12 16. SPD Detective Washington compared the emailed photograph to other
 13 known photographs of GORDON DONALD GAZAWAY and concluded that the
 14 photograph was that of GORDON DONALD GAZAWAY.

15 17. I compared the same photograph to others of GORDON DONALD
 16 GAZAWAY, and I also believe that the photograph is that of GORDON DONALD
 17 GAZAWAY.

18 18. On or about January 25, 2021, Detective Washington contacted GORDON
 19 DONALD GAZAWAY through his employer, the American Automobile Association
 20 (AAA). As part of a ruse, Detective Washington claimed that she was from a moving
 21 company asking whether GAZAWAY could move his vehicle for a delivery.
 22 GAZAWAY stated that he would be available to move his vehicle if necessary and
 23 provided a contact phone number of 206-650-6876.

24 19. On or about January 26, 2021, King County Superior Court Judge Rajul
 25 authorized a search warrant for GAZAWAY’s residence of 3901 S Angeline St., Apt. D,
 26 Seattle, WA 98118 and for the person, GORDON DONALD GAZAWAY.

27 20. On or about January 27, 2021, SPD and other members of the Seattle ICAC
 28 Task Force executed the search warrant. During service of the warrant SPD located and

1 seized devices, including a black Toshiba external hard drive bearing serial number
2 42LBS2TTSN69, an Amazon Kindle tablet, and a black Samsung tablet bearing serial
3 number R9WN81KRXFJ.

4 21. During the search warrant, SPD Detectives Washington and Gill as well as
5 myself interviewed GORDON DONALD GAZAWAY. Prior to the interview,
6 GAZAWAY was read his constitutional rights via Miranda.

7 22. During the interview, GAZAWAY admitted that he possessed several
8 electronic devices including two laptops, a tablet, a flip phone, and an Amazon Kindle.
9 GAZAWAY stated that one of the laptops belongs to him and that it that contains
10 monitoring software as part of his probation. He stated that the other laptop belongs to
11 his employer, AAA, and he uses it for work. GAZAWAY admitted that possessing the
12 tablet and Amazon Kindle was a violation of his federal probation requirements.

13 23. GAZAWAY was asked if his devices required a password to access.
14 GAZAWAY stated that if the devices required a password, it would likely be "1404."

15 24. GAZAWAY was asked about his email addresses and social media
16 accounts. GAZAWAY admitted to having two email addresses, gordongazaway@aaa.wa
17 and Gordon_MS@msn.com. GAZAWAY denied having any other email addresses.

18 25. GAZAWAY was asked about having a Gmail email address. GAZAWAY
19 admitted to having one previously but did not provide the email address.

20 26. GAZAWAY was also asked whether he previously had a Snapchat account.
21 GAZAWAY stated that he did, but that he deleted it several months prior. When
22 questioned about what happened to the account, GAZAWAY admitted that it was shut
23 down. GAZAWAY did not provide the username for his Snapchat account.

24 27. After the service of the search warrant and interview with GAZAWAY,
25 SPD and other members of the ICAC departed. The Toshiba hard drive, Samsung tablet,
26 and Amazon Kindle were seized for forensic analysis.

27 28. The above devices were turned over to HSI for forensic analysis.
28

1 29. At the onset of the forensic review of the Samsung tablet, an HSI Computer
 2 Forensics Agent found that the tablet required a password. The HSI Computer Forensics
 3 Agent entered the “1404” password previously provided by GAZAWAY which unlocked
 4 the device.

5 30. The HSI Computer Forensics Agent reviewed the Samsung tablet for any
 6 email addresses attached to the device. The email address of bigdon6699@gmail.com
 7 was found on the device.

8 31. The HSI Computer Forensics Agent conducted a data extraction on the
 9 Samsung tablet. The extraction found over 3,000 images and videos.

10 32. I conducted a review of the over 3,000 images and videos that were
 11 extracted. Of those images and videos, I identified more than 1,300 images and videos
 12 that were depictions of minors engaged in sexually explicit conduct as defined in Title
 13 18, United States Code, Section 2256(8). I describe two of them as follows:

14 i. File Name: -7150420450985375525. This is a color photograph that
 15 depicts a white male child with short dark hair that is lying on his back on a
 16 bed looking away from the camera. Most of the child’s face is visible. The
 17 child’s knees are up to his chest with his legs spread. An adult hand can be
 18 seen holding the child’s left ankle area. The child’s testicles and anus are
 19 visible in the photograph. Near the child’s anus, towards the right side of
 20 the photograph an adult male’s erect penis can be seen. The adult male’s
 21 legs can also be seen, and he appears to be standing next to the bed that the
 22 child is lying on. The male’s erect penis appears that it was or is about to
 23 be inserted into the child’s anus based on its proximity to the child. Based
 24 on the child’s small stature, lack of muscle development and lack of hair or
 25 hair follicles on his legs or testicles, I estimate he is approximately seven to
 26 nine years of age.

27 ii. File Name: -825874120681928980. This is a color photograph that
 28 depicts a white male child with short blonde hair lying on his back on a bed
 with gray sheets. The child’s face is visible, and the child is looking at the
 direction of the camera. The child’s knees are up towards his chest with his
 legs spread. The child’s testicles and penis are visible in the photograph.
 The child’s anus has an adult male penis inside of it to the point where only
 the base of the adult penis is visible as well as the adult male’s pubic hair.
 The adult male’s upper legs can also be seen along with part of the male’s
 shirt near his stomach area.

Based on the child's small stature, lack of muscle development, lack of sexual development of the child's testicles and the lack of hair or hair follicles on his legs or testicles, I estimate he is approximately five to eight years of age.

33. An HSI Computer Forensics Agent conducted a forensic analysis of the Toshiba hard drive found no child sex abuse material. The Amazon Kindle is awaiting forensic analysis.

CONCLUSION

34. Based on the above-stated facts, I respectfully submit that there is probable cause to believe that GORDON DONALD GAZAWAY committed the offense charged in this Complaint.

SCOTT P. ORLINSKI, Complainant
Special Agent
Homeland Security Investigations

Based on the above-named Complainant having provided a sworn statement attesting to the truth of the foregoing Affidavit, the Court hereby finds that there is probable cause to believe the Defendant committed the offenses set forth in the Complaint.

DATED this 6th day of April, 2021.

Mary Alice Theiler
United States Magistrate Judge